



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,504	12/14/2001	John O. Lamping	020087-003500US	5615

20350 7590 12/18/2003

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

NGUYEN, CINDY

ART UNIT	PAPER NUMBER
----------	--------------

2171

DATE MAILED: 12/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/017,504

Applicant(s)

LAMPING ET AL.

Examiner

Cindy Nguyen

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other: _____

DETAILED ACTION

This is in response to application filed on December 14, 2001 in which claims 1-18 are presented for examination.

1. *Information Disclosure Statement*

The information disclosure statement filed on 12/14/01 is not in compliance with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609. Because it has been placed in the application file, and the information referred to therein has not been considered at all as to the merits. In particular, application 09/860,646 has not been declared to be a priority document for this application. Examiner requested resubmit the non-patent literature documents for further consideration.

2. *Specification*

Content of Specification

- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.

Or alternatively, Reference to a "Microfiche Appendix": See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.

- (e) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
- (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
 - (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."
- (f) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (g) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (h) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.
- (i) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the

Art Unit: 2171

claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).

- (j) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).
- (k) Sequence Listing. See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

There are no Field of the Invention and Description of the Related Art headers, correction is requested.

3. *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Doerre et al. (U.S 6446061).

Regarding claims 1 and 11, Doerre discloses: A method and a computer aided information organization device for clustering a plurality of items, each of the items including information, guided toward an initial organization structure, the method comprising:

inputting a plurality of items, each of the items including information, into a clustering process (col. 12, lines 17-34, Doerre);

inputting an initial organization structure into the clustering process, the initial organization structure including one or more categories, at least one of the categories being associated with one of the items (col. 12, lines 35-41, Doerre);

processing using at least processing hardware the plurality of items based upon at least the initial organization structure and the information in each of the items in at least the clustering process (col. 19, lines 35-41, Doerre)

determining a resulting organization structure based upon the processing, the resulting organization structure more closely resembling the initial organization structure than if an empty organization structure or an alternative initial organization structure had been input into the clustering process (col. 14, lines 57 to col. 15, lines 20, Doerre);

storing the resulting organization structure in the one or more memories or another memory (col. 15, lines 15-20, Doerre) .

Art Unit: 2171

Regarding claims 2 and 12, all the limitations of these claims have been noted in the rejection of claims 1 and 11 above, respectively. In addition, Doerre discloses: wherein the processing comprises determining a likeness level between a first item and a second item, the likeness level between two items increased if they are both similar to items in one or more of the categories of the initial organization structure col. 18, lines 25-44, Doerre).

Regarding claims 3 and 13, all the limitations of these claims have been noted in the rejection of claims 2 and 12 above, respectively. In addition, Doerre discloses: wherein the determining the likeness level between the first item and the second item comprising:

associating a first feature vector with the first item and a second feature vector with the second item, each feature vector representing information associated with each item (col. 17, lines 28-43, Doerre);

adding a first additional feature and a second additional feature to the first feature vector and the second feature vector of the first item and the second item, respectively, the first additional feature representing a first category of the initial organization structure and the second additional feature representing a second category of the initial organization structure, the first additional feature providing a degree to which the first item is similar to one or more items in the first category of the initial organization structure (col. 13, lines 63 to col. 14, lines 20, Doerre);

calculating a degree of similarity of the first item and the second item including calculating a similarity measure between the first additional feature and the second additional feature (col. 18, lines 13-24, Doerre).

Art Unit: 2171

Regarding claims 4 and 14, all the limitations of these claims have been noted in the rejection of claims 1 and 11 above, respectively. In addition, Doerre discloses: wherein the resulting organization structure includes a portion of the initial organization structure and at least one additional category coupled to the initial organization structure (col. 14, lines 42-51, Doerre).

Regarding claim 5, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Doerre discloses: wherein the resulting organization structure relates to the initial organization structure based upon a category similarity (col. 15, lines 1-20, Doerre).

Regarding claim 6, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Doerre discloses: wherein the resulting organization structure relates to the initial organization structure based upon a similarity of hierarchy structure (col. 18, lines 52-67, Doerre).

Regarding claim 7, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Doerre discloses: wherein the item is a document, a product, a person, a DNA sequence, a purchase transaction, a financial record, or a species description (col. 18, lines 25-44, Doerre).

Regarding claim 8, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Doerre discloses: further comprising outputting the resulting organization structure on an output device (col. 20, lines 44-57, Doerre).

Regarding claim 9, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Doerre discloses: wherein the processing hardware uses at least a 500 MHz clock to efficiently run the clustering process (col. 20, lines 16-30, Doerre).

Regarding claim 10, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Doerre discloses: wherein the plurality of items includes at least 10,000 items (col. 20, lines 32-42, Doerre).

Regarding claim 15, all the limitations of this claim have been noted in the rejection of claim 11 above. In addition, Doerre discloses: further comprising a sixth code directed to outputting the resulting organization structure, the resulting organization structure including a plurality of categories (col. 15, lines 15-20, Doerre).

Regarding claim 16, all the limitations of this claim have been noted in the rejection of claim 15 above. In addition, Doerre discloses: further comprising a seventh code directed to inputting additional items using the resulting organization structure (col. 15, lines 15-20, Doerre).

Art Unit: 2171

Regarding claim 17, all the limitations of this claim have been noted in the rejection of claim 11 above. In addition, Doerre discloses: further comprising a sixth code directed to independently modifying the resulting organization structure using a graphical user interface (col. 16, lines 61-67, Doerre).

Regarding claim 18, all the limitations of this claim have been noted in the rejection of claim 17 above. In addition, Doerre discloses: wherein the independently modifying is provided by a user coupled to the graphical user interface (col. 17, lines 1-6, Doerre).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Pirolli et al. (U.S 5895470). System for categorizing documents in a linked collection of documents.

Hickerman et al. (U.S 6216134). Method and system for visualization of clusters and classifications.

Keith (U.S 6629097). Displaying implicit associations among items in loosely structured data set.

Marques (U.S 6182066). Category processing of query topics and electronic document content topics.

Art Unit: 2171

Contact Information

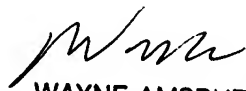
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy Nguyen whose telephone number is 703-305-4698. The examiner can normally be reached on M-F: 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CN

Cindy Nguyen
December 10, 2003


WAYNE AMSBURY
PRIMARY PATENT EXAMINER